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Committee on the Elimination of Discrimination
Against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

MALI

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INTRODUCTION

Since the adoption of the Universal Declaration of Human Rights in 1948, the United Nations has made considerable headway in defining the standards applicable to the enjoyment of human rights and fundamental liberties as well as to the protection of them. For this purpose several international conventions have been adopted.

The Convention on the Elimination of All Forms of Discrimination Against Women adopted by the United Nations is one of this series of legal instruments.

Its ratification by the Republic of Mali took place on 12 July 1985.

Under the terms of the Convention, a committee on the elimination of discrimination against women has to consider, on a periodic basis, the progress made by the States Party to the Convention in the form of reports submitted by them on the legislative, institutional and practical measures adopted to ensure equality between men and women. The aim of this report is to describe the activities of the Mali Government along these lines.

Let us look at the number of women in the population of Mali.

The provisional results of the 1987 census show a proportion of 52.2 per cent women out of an overall population of 7,260,225.

Among these women, 2,723,571, or two fifths of the total population and 83.3 per cent of the female population, live in the countryside. The urban population includes 58.8 per cent women.

With regard to the active population, women make up a very high proportion in all Mali's economic activities, which sometimes even exceeds the proportion of men in the following sectors:

- Cottage industries - 8.5 per cent, as opposed to 2.3 per cent
- Manufacturing industry and commerce - 3.0 per cent, as opposed to 1.9 per cent
- General administration - 2.3 per cent, as opposed to 2.2 per cent.

These statistics show clearly the important part played by women in the social and economic life of Mali.

LEGISLATIVE MEASURES

It is first and foremost the Constitution of 2 June 1974, presently in force, which, just as all the previous constitutional texts (see the Constitution of the Republic of the Sudan, Law 59-16 ACLP of 23 January 1959; Constitution of 22 September 1960, Law 60-1 AN-RM, article 1) proclaims the principle of the "equality" of all "before the law regardless of (...) sex". In its article 13 it affirms "equality of employment" and article 16 stipulates that "all citizens regardless of (...) sex may vote or be elected under the conditions set out by law". Within this logical context, Ordinance 79-44 of 11 May 1979 dealing with the electoral code states in article 2 that "citizens of both sexes who have reached the age of 21 (twenty-one) and enjoy civil and political rights and who do not become involved in the violations prescribed by the law or pronounced on by a judge may vote", and further on article 37 states that "any citizen of either sex who is a national of the Republic of Mali and is inscribed on the electoral rolls, or who justifies the fact that he ought to be, and who is 25 years of age and domiciled for at least a year in the territory, may be elected".

Law 62-67 AN-RM of 9 August 1962, which institutes a labour code in the Republic of Mali and the collective conventions in force, while applying the term worker, regardless of sex or religion, to any person practising a paid profession under the authority and direction of an employer, further states that given equal working conditions, professional qualifications and output, the pay should be equal for all workers whatever their origin, sex, age or status.

The code governing marriage and guardianship (Law 62-17 AN-RM of 3 February 1962) guarantees equality in principle between men and women. Further, from the legal standpoint, the consent of the woman at the time when the marriage takes place is taken into consideration in the same way as that of the man when assessing the existence and validity of the marriage itself.

The rights and duties of the partners are fairly well balanced; for example, article 86 of the code of family relationships (Ordinance 36 CMLN of 31 July 1973) states that "the paternal authority belongs to the father and the mother during marriage".

Article 58 of the code of marriage and guardianship forbids repudiation of a wife (Law 62-17/AN-RM of 3 February 1962).

- A special provision of the law on retirement (article 114 of the Civil Service Statute) stipulates that a woman official may at her request be granted a reduction in the age limit at the rate of one year for each of the children in her care.

Article 183 of the Penal Code, in accordance with article 6 of the Convention, suppresses exploitation of the prostitution of women.

The nationality code conforms with article 9 of the Convention.

Ordinance 77/CMLN of 26 December 1977 dealing with the overall status of civil servants does not contain any provision which discriminates against women.

In the area of employment Mali has ratified three conventions on the elimination of all forms of discrimination against women: Convention 111 on discrimination in employment and professions (1958, ratified in 1964).

Convention 100 on equal pay (1951, ratified in 1961).

Convention 41 (revised) on night work for women (1934, ratified in 1960).

PRACTICAL MEASURES

On the political level: At all times women have played a determining role in the political activities of the country; for example, since 1946 women have been able to vote and to be elected. They are represented at all the country's political levels: Central Executive Office (BEC), National Council, Government and National Assembly.

The National Union of Malian Women gathers together, organizes, and assists all Malian women with a view to consciously preparing them for equality with men through training, information and literacy. It helps women in the countryside, more especially, by making their daily chores easier by providing grain mills, handcarts and improved ovens, by digging pump-operated wells, by building well-equipped rural maternity homes, by training midwives and traditional accoucheur, and so forth.

The National Women's Union, a democratic organization attached to the Party, is a member of all the larger joint Malian-friendly country commissions and the larger national commissions.

Malian women are consulted whenever there are decisions of national importance to be taken.

Trade union level: Women are represented at all levels of the National Union of Malian Workers (UNTM). Seminars are organized for their benefit.

Education and training: As far as an academic policy in favour of the rapid promotion of women is concerned, the Republic of Mali has adopted important provisions to create equality between the two sexes. In the area of education, the State advocates co-education at all school levels.

- basic education is mixed, compulsory and secular for all children of both sexes without any discrimination.

- At all levels the education given is the same for girls and boys.

- Conditions for admission to school and higher study are identical for boys and girls.

- For all para-academic and extra-academic activities, girls and boys participate in the same way, it being borne in mind that for girls there is limited participation in the case of certain sports that are regarded as too rough.

- When they have the same diploma, boys and girls have the same rights.

In the policy of combating illiteracy, the women have not been left behind. Nevertheless, the programme adopted in this respect by the female section of the National Centre for Functional Literacy between 1967 and 1972 geared to household activities has not produced the results hoped for.

This is why, with the formation of the National Directorate for Functional Literacy and Applied Linguistics (DNAFLA) under Ordinance 60/CMLN of 21 October 1975, literacy among women has boomed. And in order to consolidate its activities for women more effectively, the DNAFLA has set up a Division for the Promotion of Women, the task of which can be summarized as follows:

To place particular stress on the training of women who so far have remained on the fringe of activities aimed at making the population literate. One of the principal aspects of the work is research geared to defining a national education and training policy for the female population so as to increase and improve its participation in the process of development.

The activities of the Division for the Promotion of Women (DPF)

The Division for the Promotion of Women, in its aim of combating discrimination against women, teaches them how to read and write through the intermediary of subjects dealing with health, agriculture, cottage industries and education, and instructs them how to make calculations and to perform various operations enabling them to overcome problems of an everyday nature.

It is therefore a general information and motivation programme, which is followed, when they have become literate, by the use of specialized booklets of a technical nature for their occupational training in various socio-economic and cultural areas.

This ambitious programme has enabled women to gain a better idea of the new trends in everyday life, to adapt themselves to environmental change and to improve their productivity.

All the activities of the Division for the Promotion of Women are at present supported by video systems. The video addresses people directly and enables them to view their everyday activities, their difficulties and, often, the solutions they have found on their own initiative.

The audio-visual medium underlying the women's programme has made it possible to carry out improved awareness activities in 87 villages of the regions of Koulikoro, Sikasso, Ségou and Mopti.

In implementing its programme the Division for the Promotion of Women (DPF) of the National Directorate for Functional Literacy and Applied Linguistics has recorded the following results:

(1) At video programme level:

- 87 centres opened and in operation
- 125 women promotors trained
- 958 regular women students at the centres
- 92 neo-literates.

(2) At the level of the literacy programme in the Regional Directorates for Education and Rural Development Operations:

- 4,514 women students attending joint centres
- 732 of the these students are neo-literates.

(3) Within the context of mass literacy:

- 61 centres opened and in operation
- 122 women promotors trained
- 1,525 women students enrolled.

In order to alleviate the discrimination which women have suffered and to enable them to have full access to education, the Government of Mali has in its reform of the educational system accorded a large place to women and girls.

The role of public information in bringing women more into society remains dominant.

With regard to the application of the United Nations Convention, progress has been made in the Department of Public Information.

The mental approach by which the media used to be regarded as a field for men has made progress. In 1960, the date of our independence, women were virtually absent from the world of the media. There was one woman among the "communicators" (spoken and filmed press). Twenty-seven years later the structures have evolved together with the mental attitudes. Public information which is supposed to be a basic instrument for organizing society now establishes contact between the different partners of the society. And women have a considerable part to play within this public information, first as communicators and second as consumers.

Between 1960 and 1987 the number of women communicators rose from one to 27 (divisions of programmes, information and combined techniques) who are offered possibilities of training and advanced study under the same conditions as men.

IMPROVEMENT OF WORKING CONDITIONS FOR WOMEN

Promotion of work for women

- Night work for women in industry is forbidden. Certain kinds of work are forbidden to women as being ethically unsuitable (article 231 of the Labour Code).

- Protection of the social function of women (maternity).

- All pregnant women whose state has been medically certified may break their work contracts after informing their employer 24 hours in advance, except in the case of acts of God, without a compensatory payment for the period of notice.

The Labour Code stipulates that at the time of childbirth all women may claim 14 consecutive weeks maternity leave, six weeks before and eight weeks after childbirth. The rules governing the subject provide leave for the father. During maternity leave the prospective mother is entitled to free care and to the pay which she was receiving at the time of suspension of the working contract, under the terms fixed by the social welfare code. When the woman cannot resume work at the end of her maternity leave because of illness the suspension of the work contract takes effect from the first day of the leave.

In such a case the employer is obliged to pay compensation from the first day of the extension under the terms fixed by the Labour Code for a period of 15 months starting from the birth of the child. The mother is entitled to time off for breastfeeding at her place of work, the total duration of this time off not exceeding one hour per working day.

These stoppages may not result in reduced pay. Women also have the benefit of equal pay (Convention 100); further, Malian legislation provides for equal pay among male and female personnel for the same kind of work.

OCCUPATIONAL TRAINING AND ACCESS TO EMPLOYMENT

Occupational training and apprenticeship exclude any form of discrimination based on race, colour or sex.

Access to occupational training, to employment and to various trades is open to all under the same conditions. Collective conventions lay down that the enterprise shall accord all facilities to workers without any distinction to enable them to complete their occupational training. The enterprise has to consider all the applications and adopt all measures enabling workers to continue their training either by evening courses or advanced study within the enterprise or by specialized training courses.

To this end the appropriate documentation is given to the workers as a loan during their training. The employment and placement services and the labour inspection services ensure that the national policy of promoting equal chances and equal treatment is observed.

Public information on the policy of non-discrimination in employment and occupations is widely publicized among the workers (especially during the workers information meetings) and action is taken by staff delegates to see that the social legislation is applied and to promote acceptance and implementation of a policy of equal chances and equal treatment in employment.

(Right to post notices - article 329 of the Labour Code).

The labour tribunals have never taken any decision that could lead to discrimination in employment and occupation. The organizations representing the employers and workers have never made any comment regarding the practical application of measures giving effect to the provisions of international instruments ratified by our country.

As can be seen from the above, the Government of the Republic of Mali in making the promotion and protection of women one of its concerns has taken up the challenge in discrimination against women in all spheres.

IN HEALTH AND SOCIAL AFFAIRS

The health situation in Mali is characterized by:

- Extensive disease
- Greatly limited resources
- A population strongly influenced by its traditional environment.

This situation is all the more critical in that the vulnerable groups are the most numerous:

Population of rural areas - 80 per cent

Children between 0 and 14 years - 43.5 per cent

Women of child-bearing age - 20.83 per cent

Reproduction rate - 181.3 per 0/00

Number of children per woman - about seven

The policy of mother and child health began during the colonial period with the setting up of urban maternity homes in the principal populated points, and with the training of African midwives and visiting nurses.

Towards the end of the 1950s, activities benefiting the mother and child underwent progress with the opening of the mother and child hygiene centres by the Family Allowance Office, now the National Institute for Social Welfare (INPS).

Following Independence, the Government became aware of the importance of the mother-child group and set up these centres on a broader basis. Thus the maternity homes have been attached to all the hospitals and health centres. Activities are now conducted in all the regions and districts, in most of the villages and in Bamako district.

The establishment in 1972 of the Malian Association for Protecting and Promoting the Family, and the Family Planning Pilot Centre have helped to broaden the scope of the activities benefiting mother and child.

Since 1978 family planning activities have been steadily taken over by the maternity homes and centres for mother and child protection.

To supervise all these structures and to co-ordinate their activities the section in charge of the mother and child protection centres was turned into the Family Health Service in 1975, and then became the Division for Family Health in 1980, coming under the National Directorate for Public Health. It comprises three sections, which are:

- Mother and child protection and family planning
- Nutrition
- Health education.

Since Mali supports the policy of primary medical care, it has undertaken the retraining of the traditional accoucheurs and the instruction of midwives throughout the country.

The extended vaccination programme, which was officially launched by the Head of State, is in process of implementation and at the present stage covers almost all regions. The aim of it is to reduce the sickness and death rate due to six contagious diseases prevailing in the endemo-epidemic form in the country and presenting a major problem to public health. This objective is part of the 10 year plan for social and health development in Mali (1981-1990), which was revised in 1983 and provides more especially for the immunization of all children between 0 and six against measles, poliomyelitis, whooping cough, tetanus, tuberculosis and diphtheria, and the immunization of pregnant women against tetanus.

Efforts deployed in the sphere of family nutrition and health by some of the United Nations institutions and the non-governmental organizations are also very appreciable. Furthermore, the position of certain categories of women who represent special cases has been given attention by the authorities. This relates among other things to women looking after a family, handicapped women and elderly women without resources, as well as to populations displaced because of drought, which consist mostly of women and children.

The National Directorate for Social Affairs is also engaged in family health activities as part of its social action programme. The social centres have been available for a long time for pre-natal consultations and advice on breastfeeding. Advice on breastfeeding, health education and nutrition, and vaccination are also conducted in certain institutions. The role played by social workers in public information and in making the population more aware of the problems of family health is considerable.

A network of 91 pre-school establishments now enables a large number of women to bring their occupational and family activities nearer together.

RURAL AREA

The National Directorate for Co-operative Action looks after numerous women's centres; the women are treated in exactly the same way as the men in the service (women carry out missions inside and outside the country in the same way as men, receive the same salaries and enjoy the same benefits).

In this respect the National Directorate for Co-operative Action, aware of the important part played by women in the countryside in the socio-economic development of the country, is promoting and encouraging effective participation by women in the Malian co-operative movement so as to overcome the problems that women face.

Further, a "Women's Promotion" section was set up within the National Directorate for Co-operative Action in 1975.

This section is intended to mobilize women for the purpose of taking part in co-operative activities.

Malian women are not only mothers or housewives - they are also productive in agriculture, cattle breeding, commerce and on occasion they are entrepreneurs.

In the countryside they are always labouring and devote themselves to tasks that are often highly complex. The women working on projects enjoy the benefit of agricultural credit.

The National Directorate for Co-operative Action has set itself the goals to be reached within the next five years through projects for the economic and social promotion of women, especially in the rural environment. The aims envisaged in the project are as follows:

- An increase in the women's co-operatives and their participation in the process of national development;

- An increase in their income.

The objectives in view deal by and large with the economic and social promotion of rural women, more especially the members of women's co-operatives either specialized or multi-functional in such activities as:

- Production: agriculture, market gardening, handicrafts;

- Processing of agricultural and market gardening products as well as products obtained by gathering and from stock breeding (honey, milk, karite).

- Breeding: small ruminants, small rodents and poultry;

- Savings and credit: interlinking of savings, tontine arrangements for women in economically viable activities (mills, sowing, farming loans etc.);

- Hygiene and primary medical care: setting up of women's committees within the rural co-operatives and making them more active;

- Training and education;

- Granting of working capital to certain co-operatives;

- Provision of local equipment and logistic resources for certain co-operatives.

The co-operative movement in Mali is the best place for the promotion of women and, what is better, a framework within which and on the basis of which there can be increased action to eliminate forms of discrimination against women in the country's socio-economic development, in the form of consultations, collaboration and increased responsibility for men and women from the co-operative organizations in the form of participational development.

To enable women to have more direct access to bank credit, the UNFM has joined the Women's World banking organization.

Just as in the socio-economic activity sectors, discrimination against women is tending to disappear in the field of national defence.

Continuing to develop as part of the overall progress made by our society, and convinced of the role that women can play in the process of the socio-economic development of our country, the Malian armed forces cannot stand aside from the national efforts to meet an ever-growing need for Malian women to be recognized as responsible human beings with the right and the duty to take part in all activities involved in national construction. This is the concept underlying the recruitment of female personnel in the armed forces.

The process of "feminization" of some of our services within the armed forces has started with the recruitment on a voluntary basis, in the same way as for male personnel, of a limited number of girls (first for the police in which the numbers are relatively complete, then in the territorial army and the Central Directorate of Army Health Services). Nevertheless, the first "major" contingent of women was taken on in 1985 by the territorial army. This operation was extended in 1986 to the air force. The recruitment of young women for the army, which is now at the initial stage, calls for a much more thorough consideration in that female personnel show certain characteristics that have to be recognized and dealt with as experience is gained.

Since they are evolving within a context beyond their normal and traditional domain, we find women in only a few branches of the armed forces. Although very dedicated and anxious to make a career, they are not for the moment, employed in combatant units. The special branches open to them are for the most part administrative.

However, we should note the opening up of possibilities, more and more pronounced, in the technical branches, especially communications, engineering and health. Moreover, it is their own wish that they should have broader chances of employment in terms of active and dynamic careers.

Another way in which female personnel can be recruited by the armed forces is the National Youth Service (SNJ).

The concept of the recruitment of young women through the SNJ stems from application of the provisions for compulsory military service at all levels of the population of Mali. Initially intended for men admitted by competition to the civil service, the SNJ has been extended to cover women.

Making up a total of about 500 persons, the female contingent in the SNJ occupies an important place in the provision of services. Apart from the diversity of special technical fields involved, these women can, if the openings are made available to them, broaden the range of their employment by the armed forces.

Two women (a civil engineer and a doctor) who completed the SNJ have joined the armed forces and been allowed to continue their studies at the Inter-army Military School.

Generally speaking, the young women enjoy the rights and advantages of promotion to higher grades, training, and remuneration and at the present time the highest ranking women are captains who have important posts.

CONCLUSIONS

Even before the adoption of the present Convention by the United Nations on 18 December 1979, the Republic of Mali had already made considerable efforts to eliminate the different forms of discrimination against women by acceding to or ratifying all the conventions on human rights.

After the ratification on 12 July 1985, application of the Convention in our country has shown genuine progress with the implementation of administrative, legislative measures.

However, as in any other human endeavour, these multifaceted measures are not perfect and there is much to be done in the following areas:

- Two internal civil laws, for which there appears to be non-conformity with the provisions of the present convention in that article 15.2 stipulates "States parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity". This concerns, first, the law governing the code of marriage and guardianship (articles 36 and 38) and, second, the law governing the commercial code (article 4) which states, among other things, the need for a married woman desiring to enter into commerce to obtain in advance the permission of her husband; this is equivalent to partial incapacity for enjoyment of the right. It should be noted, however, that this partial incapacity is only a deviation on a theoretical level and that it is more apparent than real in the sense that article 4 of the commercial code does not provide for the need for marital permission except for "the non-exclusive regimes of the community". The common law system in Mali is that of the separation of property. This means that in practice in most cases the married woman will have full capacity to practice commerce if that is her choice.

- The armed forces where the presence of women is still of little significance;

- Administration and high diplomacy: although there are women in the Government, there is not yet any female presence in posts involving command or in diplomacy.

It should be noted that there are draft texts under consideration to eliminate from Malian positive law all forms of discrimination against women. In conclusion, it has to be recognized that despite the backward attitudes and certain imperfections mentioned above, genuine progress has been made in the application of the Convention in Mali.

Bamako, 6 January 1988